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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,924	03/16/2004	Holger Grossmann	NHL-HOL-68	2326

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EXAMINER	
TRUONG, THANH K	
ART UNIT	**PAPER NUMBER**
3721	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/801,924	GROSSMANN ET AL.	
	Examiner	Art Unit	
	Thanh K. Truong	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *4-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 March 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-3, in the reply filed on April 28, 2005 is acknowledged.

Although claims 4-20 have been amended, the examiner maintains that the process as claimed can be practiced by another materially different apparatus such as the one that does not including the filling machine with a rotor that is configured to rotate around a vertical machine axis, and the bottle carrier.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

Claims 4-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following claimed features:

"apparatus being configured and disposed to heat said chamber to a temperature sufficient to vaporize cleaning medium droplets deposited on the wall of said chamber", claim 1, page 4, lines 5-7.

"(a) said interior comprises a chamber having at least one wall configured to be heated by said heating apparatus to vaporize cleaning medium deposited on said at least one wall", claim 3, page 6, lines 2-4.

"said heating apparatus is configured and disposed to heat said plurality of passages to maintain a mixture of air and cleaning medium within said plurality of passages at least a temperature at which cleaning medium is vaporized", claim 3, page 6, lines 8-11.

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clüsserath et al. (5,713,403) in view of Vokins et al. (5,178,841).

Clüsserath discloses an apparatus comprising:

a filling machine (5) being configured and disposed to fill cleaned bottles with liquid beverage filling material; the filling machine comprising:

a rotor (5') being configured and disposed to rotate around a vertical machine axis and having a peripheral portion;

a plurality of filling positions (13) disposed at the peripheral portion of the rotor;

each of said plurality of filling positions comprising:

a bottle carrier being configured and disposed to provide bottles for filling;

a filling device being disposed above a bottle carrier and configured to fill a bottle disposed on the bottler carrier (column 3, lines 51-53);

each filling device comprising:

apparatus configured to introduce a predetermined volume of Liquid beverage filling material into the interior of bottles to a predetermined level of liquid beverage filling material;

apparatus configured to terminate the filling of bottles upon liquid beverage filling material reaching the predetermined level in bottles (column 4, lines 7-8);

a cleaning station (1) being configured and disposed to clean bottles prior to filling with a liquid beverage filling material;

a closing station (6) being configured and disposed to close bottles filled with liquid beverage filling material;

apparatus being configured and disposed to move bottles filled with liquid beverage filling material from the filling machine to the closing station (figure 1);

apparatus (29) being configured and disposed to containerize bottles filled with liquid beverage filling material;

apparatus being configured and disposed to move filled bottles from the closing station to the containerization station; and

control apparatus (12) being configured and disposed to control at least operation of the filling machine (figures 1 and 3).

Clüsserath discloses the claimed invention, but does not expressly disclose the cleaning apparatus as recited in claim 1.

Vokins discloses a cleaning apparatus comprising: a body (7) comprising an interior, an exterior, an inlet structure (4), and an outlet structure (10);

the interior comprising: a chamber (3); the inlet structure comprising a first nozzle (4) being configured and disposed in a first position to inject a jet of air (figure 2) in a first direction into and against a wall of the chamber; the inlet structure comprising a second nozzle (2) being configured and disposed in a second position to inject a jet of cleaning medium (H_2O_2) in a second direction into the chamber; the first direction being transverse to the second direction; the first nozzle and the second nozzle being configured and disposed to direct a stream of air laden with cleaning medium droplets against a wall of the chamber (figure 2 and column 2, lines 51-53); apparatus (5) being configured and disposed to heat the chamber to a temperature sufficient to vaporize cleaning medium droplets deposited on the wall of the chamber (figure 2 and column 2, lines 56-59); the outlet structure (10) also being configured and disposed to permit delivery of a mixture of air and vaporized cleaning medium through the outlet structure of the body and into the interior of a bottle (18) to be cleaned; and apparatus being configured and disposed to terminate delivery of a mixture of air and vaporized cleaning medium from the outlet structure. Vokins' apparatus provide an effective means to clean and to decontaminate the containers before packaging.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Clüsserath's apparatus by incorporating the cleaning apparatus as taught by Vokins providing an effective cleaning means to sterilizing the containers prior to packaging.

Vokins further discloses:

(a) the interior comprises a chamber (3) having at least one wall configured to be heated by the heating apparatus (5) to vaporize cleaning medium deposited on the at least one wall;

(b) the body (7) comprises a plurality of passages configured and disposed to connect said annular vaporization chamber (3) and the outlet structure (10) with one another;

the heating apparatus is configured and disposed to heat the plurality of passages (figure 1) to maintain a mixture of air and cleaning medium within the plurality of passages (6 and between 6 and 7) at at least a temperature at which cleaning medium is vaporized;

(c) the body comprises a collecting chamber configured and disposed to store a mixture of air and vaporized cleaning medium;

the collecting chamber is connected between said annular vaporization chamber and the outlet structure (figure 2 shows the annular shape of the passages and the chamber);

(d) the body comprises a plurality of passages configured and disposed to connect said annular vaporization chamber and the collecting chamber with one another;

(e) said heating apparatus (5) is configured and disposed to heat the plurality of passages to maintain a mixture of air and cleaning medium within said plurality of passages at at least a temperature at which cleaning medium is vaporized;

(f) the cleaning medium nozzle (10) comprises a structure configured to inject hydrogen peroxide present in an aqueous solution as a cleaning medium and the cleaning medium nozzle is configured to withstand the cleaning medium;

(g) the plurality of passages comprise at least one of: straight passages and circuitous passages (figures 1 and 2);

(h) the body comprises apparatus configured and disposed to terminate the flow of a mixture of air and cleaning medium;

(i) the body comprises at least a first portion and a second portion; and fasteners to connect the first portion and said second portion to one another;

(j) the outlet structure comprises a structure configured and disposed to inject a mixture of air and cleaning medium into the interior of a container to be cleaned; and

(k) the collecting chamber comprises an annular chamber having two circular annular concentric walls (figure 2 shows circular 6 inside the circular 7).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tkt
May 23, 2005.

Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700